

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rio Brazos

Subfile No. CHRB-005-0014

**WITHDRAWAL OF MOTION FOR DEFAULT JUDGMENT
AND MOTION TO SET ASIDE ENTRY OF DEFAULT**

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and hereby withdraws the Motion for Default Judgment filed August 3, 2006 (Doc. No. 8347) with respect to the Defendant named below and, pursuant to Fed. R. Civ. P. 55(c), respectfully requests the Court to set aside the entry of default for this same Defendant:

Loyola Martinez

Subfile No. CHRB-005-0014

As grounds therefore Plaintiff states:

1. The Clerk’s Certificate of Default with respect to the above-named Defendant was entered on July 3, 2006 (Doc. No. 8305).
2. The above-named Defendant has contacted the State to discuss the State’s offer concerning their water rights in Section 7, and has requested that the State forward the proposed Consent Order in this subfile to them for their signature and approval.
3. Good cause exists to set aside the entry of default with respect to the Defendant named

above.

WHEREFORE, the Plaintiff State of New Mexico *ex rel.* State Engineer hereby withdraws its Motion for Default Judgment filed July 3, 2006 with respect to Defendant Loyola Martinez, and requests the Court to set aside the entry of default for this same Defendant.

DATED: August 23, 2006.

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing were mailed to the following on August 23, 2006:

Loyola Martinez
7028 So. Bryant St.
Littleton, CO 80120

transmitted by ACE filing to the following on the same date.

Special Master Vickie L. Gabin
USDC-DCNM
P.O. Box 2384
Santa Fe, NM 87504-2384

Karla McCall, Data Manager
1315 Sagebrush Dr. SW
Los Lunas, NM 87031

/s/ Ed Newville
Edward G. Newville